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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/675,163	09/29/2003	Michael A. Rothman	42P17574	5557

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EXAMINER	
BROWN, MICHAEL J	

ART UNIT	PAPER NUMBER
2116	

DATE MAILED: 01/31/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/675,163	ROTHMAN ET AL.	
	Examiner	Art Unit	
	Michael J. Brown	2116	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) 1-25 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) 1-25 is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on 29 September 2003 is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1-25 are rejected under 35 U.S.C. 102(b) as being anticipated by DeRosa, Jr. et al.(US Patent 5,822,565).

As to claim 1, DeRosa discloses a method, comprising initializing a media device(disk drive 12, see Fig. 1) during a pre-boot phase of a computer system(computer system 10, see Fig. 1), and reading a description of content stored on a self-describing media(computer disk, see column 4, line 35) by firmware of the computer system during the pre-boot phase(see column 4, lines 35-38), the self-describing media coupled to the media device(see column 4, lines 34-35). DeRosa also discloses extracting a first portion(configuration utility 20, see Fig. 1) of the content by the firmware to enable the firmware to recognize a second portion(system software 22, see Fig. 1) of the content(see column 4, lines 32-38), and accessing the second portion of the content by the firmware(see column 4, lines 35-38).

As to claim 2, DeRosa discloses the method wherein extracting the first portion of the content comprises launching a pre-boot recovery utility extracted from the first portion of content to recover a storage device of the computer system(see column 4, lines 32-38).

As to claim 3, DeRosa discloses the method wherein the pre-boot recovery utility is an Extensible Firmware Interface (EFI) application(see column 8, lines 49-51).

As to claim 4, DeRosa discloses the method wherein accessing the second portion of the content comprises writing a portion of the second portion of the content to the storage device using the pre-boot recovery utility(see column 4, lines 35-38).

As to claim 5, DeRosa discloses the method wherein the storage device includes a magnetic hard disk(see column 4, lines 33-35).

As to claim 6, DeRosa discloses the method wherein the media device includes a magnetic tape drive and the self-describing media includes a magnetic tape(see column 4, lines 33-35).

As to claim 7, DeRosa discloses the method further comprising recovering an operating system boot target stored on a storage device of the computer system from the magnetic tape using the pre-boot recovery utility during the pre-boot phase(see column 4, lines 35-38).

As to claim 8, DeRosa discloses the method wherein extracting the first portion of the content comprises launching a file system driver stored in the first portion of the content, and mounting a file system on the computer system based on the file system driver(see column 4, lines 53-61).

As to claim 9, DeRosa discloses the method wherein the file system driver to operate in accordance with the EFI framework standard(see column 8, lines 49-51).

As to claim 10, DeRosa discloses the method wherein accessing the second portion of the content comprises accessing the second portion of the content by the firmware via the file system during the pre-boot phase(see column 4, lines 35-38).

As to claim 11, DeRosa discloses the method further comprising mounting a known file system on the computer system if the firmware recognizes the second portion of the content(see column 5, lines 64- column 6, line 3).

As to claim 12, DeRosa discloses the method wherein the known file system is stored in the firmware(see column 5, lines 16-19).

As to claim 13, DeRosa discloses an article of manufacture comprising a machine-readable medium(central processing unit (CPU) 11, see Fig. 1) including a plurality of instructions which when executed perform operations comprising, and initializing a media device(disk drive 12, see Fig. 1) during a pre-boot phase of a computer system(computer system 10, see Fig. 1). DeRosa also discloses reading a file system header(configuration utility 20, see Fig. 1) stored on a self-describing media(computer disk, see column 4, line 35) accessed by the media device during the pre-boot phase(see column 4, lines 35-38), the file system header describing information(system software 22, see Fig. 1) to enable the computer system to recognize media data stored on the self-describing media(see column 4, lines 34-35), extracting the information from the self-describing media to recognize the media data(see column 4, lines 32-38), and accessing the media data stored on the self-describing media(see column 4, lines 35-38).

As to claim 14, DeRosa discloses the article of manufacture wherein initializing the media device comprises layering an input/output interface onto an input/output access to the media device(see column 4, lines 22-24).

As to claim 15, DeRosa discloses the article of manufacture wherein extracting the information from the self-describing media comprises launching a pre-boot recovery utility described by the file system header to recover a storage device of the computer system from the media data during the pre-boot phase(see column 4, lines 32-38).

As to claim 16, DeRosa discloses the article of manufacture wherein the pre-boot recovery utility is an EFI application(see column 8, lines 49-51).

As to claim 17, DeRosa discloses the article of manufacture of wherein accessing the media data comprises writing a portion of the media data from the self-describing media to the storage device using the pre-boot recovery utility(see column 4, lines 35-38).

As to claim 18, DeRosa discloses the article of manufacture wherein extracting the information from the self-describing media comprises launching a file system driver stored on the self-describing media during the pre-boot phase, the file system driver described by the file system header, and mounting a file system on the computer system based on the file system driver during the pre-boot phase, the file system to enable the computer system to read the media data stored on the self-describing media(see column 4, lines 53-61).

As to claim 19, DeRosa discloses the article of manufacture wherein the file system driver to operate in accordance with the EFI framework standard(see column 8, lines 49-51).

As to claim 20, DeRosa discloses the article of manufacture wherein execution of the plurality of instructions further perform operations comprising mounting a known file system on the computer system if the computer system recognizes the media data(see column 4, lines 53-61).

As to claim 21, DeRosa discloses a computer system, comprising a processor(central processing unit (CPU) 11, see Fig. 1), and at least one flash device(main memory 16, see Fig. 1) operatively coupled to the processor, the at least one flash device including firmware instructions which when executed by the processor perform operations comprising initializing a media device(disk drive 12, see Fig. 1) during a pre-boot phase of a computer system(computer system 10, see Fig. 1), and reading a file system header(configuration utility 20, see Fig. 1) stored on a self-describing media(computer disk, see column 4, line 35) coupled to the media device during the pre-boot phase(see column 4, lines 35-38), the file system header indicating the location of information(system software 22, see Fig. 1) to enable the firmware to recognize media data stored on the self-describing media(see column 4, lines 34-35). DeRosa also discloses extracting the information from the self-describing media to recognize the media data(see column 4, lines 32-38), and accessing the media data stored on the self-describing media using the extracted information(see column 4, lines 35-38).

As to claim 22, DeRosa discloses the computer system wherein extracting the information from the self-describing media comprises launching a pre-boot recovery utility located via the file system header to recover a storage device of the computer system from the media data during the pre-boot phase(see column 4, lines 32-38).

As to claim 23, DeRosa discloses the computer system wherein execution of the plurality of instructions further perform operations comprising recovering a corrupted operating system boot target stored on the storage device using the pre-boot recovery utility, wherein the self-describing media includes a magnetic backup tape(see column 4, lines 33-38).

As to claim 24, DeRosa discloses the computer system wherein extracting the information from the self-describing media comprises launching a file system driver stored on the self-describing media, wherein the file system driver located via by the file system header; and mounting a file system on the computer system based on the file system driver, the file system to enable firmware of the computer system to read the media data(see column 4, lines 53-61).

As to claim 25, DeRosa discloses the computer system wherein the firmware to operate in accordance with an Extensible Firmware Interface (EFI) framework standard(see column 8, lines 49-51).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Brown whose telephone number is (571)272-

5932. The examiner can normally be reached on Monday-Friday from 7:00am to 3:30pm(EST).

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIRS) system. Status information for the published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications are available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 886-217-9197 (toll-free).

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